IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMARY SUIT NO. 2396 OF 2004

GOYAL STARCH PRODUCTS P.LTD ...Plaintiffs.
vs.
SHARDA PAPER PRODUCTS ...Defendants.

H.V. Chande, advocate

for the plaintiffs.

Nikhil Mehta i/by. KMC Legal Venture

for the defendants

CORAM: S.U. KAMDAR, J.

DATE : 22ND FEBRUARY, 2006.

P.C. :

1. In the present matter by an order dated 29.9.2005 in Summons for Judgment no. 776 of 2004 a sum of Rs.1,12,515/- was directed to be deposited within four weeks from the date of the said order.

2. The defendants have not deposited the same and non-deposit certificate dated 10.2.2006 has been issued by the office of the Prothonotary and Senior master. The plaintiff has also tendered compilation of documents which is taken on record and marked Exhibit-A colly. In view of the non-deposit there shall be decree in favour of the plaintiffs and against the defendants for sum of Rs.1,12,515/- with further interest at the rate of 12% p.a. on sum of Rs.90,842/-.

3. Learned counsel appearing for the defendants states that he has filed an appeal. The order impugned herein is of 25.10.2005. The period of four weeks has expired from 25.11.2005. Inspite of the aforesaid I gave an adjournment on 20.2.2006 so as to enable the defendant to obtain appropriate stay order before I pass the decree. However he has not done so. The appeal was under objections and therefore the appeal was not listed on board. In that light of the matter no adjournment will be granted. Decree is accordingly passed.

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